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MAY 11 1994

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Applications of	)	MM Docket No. 93-94
	)	
Scripps Howard Broadcasting	)	FCC File No. BRCT-910603KX
Company	)	
	)	
For Renewal of License of	)	
Station WMAR-TV,	)	
Baltimore, Maryland	)	
	)	
and	)	
	)	
Four Jacks Broadcasting, Inc.	)	FCC File No. BPCT-910903KE
	)	
For a Construction Permit	)	
For a New Television	)	
Facility on Channel 2 in	)	
Baltimore, Maryland	)	

TO: The Honorable Richard L. Sippel  
Presiding Administrative Law Judge

MOTION FOR  
ACCEPTANCE OF AMENDMENT

Scripps Howard Broadcasting Company ("Scripps Howard"),  
through counsel, hereby seeks leave to amend the above-captioned  
application for renewal of license for Station WMAR-TV,  
Baltimore, Maryland. Acceptance of this amendment is warranted  
because it is offered pursuant to Section 1.65(a) of the

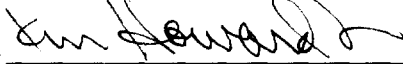
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Commission's rules. No comparative advantage would accrue to Scripps Howard as a result of the acceptance of this amendment.

Respectfully submitted,

SCRIPPS HOWARD BROADCASTING COMPANY

By:   
Kenneth C. Howard, Jr.

Its Attorneys

BAKER & HOSTETLER  
1050 Connecticut Avenue, NW  
Suite 1100  
Washington, DC 20036-5304  
202/861-1580

May 11, 1994

**Amendment**

**Re: WMAR-TV  
Baltimore, Maryland  
BRCT-910603KX**

**Scripps Howard Broadcasting Company hereby amends the  
above-referenced application with the attached exhibit.**

**SCRIPPS HOWARD BROADCASTING COMPANY**

**Date:** 5/10/94

**By:** Terry H. Schroeder  
**Terry H. Schroeder**  
**Vice President**

### AMENDMENT TO RENEWAL APPLICATION

Scripps Howard Broadcasting Company ("Scripps Howard") hereby amends its application for renewal of license for Station WMAR-TV, Baltimore, Maryland (File No. BRCT-910603KX) pursuant to Section 1.65(a) of the Commission's rules. This amendment reports a tentative decision by a California state court judge that a partnership controlled by a corporate subsidiary of Scripps Howard in 1988 and 1989 violated California statutes addressing the protection of competition.

The state court proceeding is Leza Coleman, et al. v. Sacramento Cable Television, Case No. 524077 in the Superior Court of Sacramento County, 720 Ninth Street, Sacramento, California 95814. This civil proceeding was initiated by a complaint filed on November 20, 1991. The presiding judge's tentative decision was issued orally on April 11, 1994. See Record of Proceedings (copy attached). The proceeding is not yet concluded, and further hearings are currently being held on the issue of what restitution, if any, should be required of Sacramento Cable Television. The presiding judge has already rejected the plaintiffs' claims for damages.

Sacramento Cable Television is a California general partnership. The general partner and 95% equity owner of Sacramento Cable Television is Scripps Howard Cable Company of Sacramento, Inc., a Delaware corporation. Scripps Howard Cable Company of Sacramento is a 100% owned subsidiary of Scripps

Howard Broadcasting Company, the corporate licensee of Station WMAR-TV, Baltimore.

The general allegations presented in the complaint are that Sacramento Cable Television engaged in locality price discrimination by charging its cable customers less for services in locations where it confronted direct or potential competition than in those areas where competition was absent and that it did so with the intent to destroy competition. See Complaint of Leza Coleman, et al., filed November 20, 1991.

On April 11, 1994, State Superior Court Judge Roger K. Warren "orally announced [the court's] tentative decision, finding that the defendant's [Sacramento Cable Television's] pricing practices in [the two relevant geographic subsections of its cable service area] between [January of 1988 and March of 1989] violated Business and Professions Code section 17040 and section 17200 and the local cable ordinance." See Record of Proceedings at 3.

The relevant California Business and Professions Code provisions stated:

§ 17040. Locality discrimination; meeting competitive prices

It is unlawful for any person engaged in the production, manufacture, distribution or sale of any article or product of general use or consumption, with intent to destroy the competition of any regular established dealer in such article or product, or to prevent the competition of any person who in good faith, intends and attempts to become such dealer, to create locality discriminations.

Nothing in this section prohibits the meeting in good faith of a competitive price.

§ 17200. Unfair competition; prohibited activities

As used in this chapter, unfair competition shall mean and include unlawful, unfair or fraudulent business practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) or Part 3 of Division 7 of the Business and Professions Code.

This "tentative decision," which involves non-broadcast, non-FCC conduct that occurred before Scripps Howard's acquisition of Station WMAR-TV, should have no bearing on the qualifications of Scripps Howard to remain the licensee of Station WMAR-TV. Scripps Howard will provide updates, as appropriate, on the ultimate disposition of this matter.

**SACRAMENTO SUPERIOR COURT**

**IN AND FOR THE COUNTY OF SACRAMENTO**

**DATE: APRIL 11, 1994 9:00 A.M.**  
**JUDGE: ROGER K. WARREN**  
**REPORTER: KAROL MONCRIEF**

**DEPT. NO.: 22**  
**CLERK: K. WELLS**  
**BAILIFF: K. SOGEE**

-----  
**LEZA COLEMAN, ET AL**

**VS. CV524077**

**SACRAMENTO CABLE TELEVISION**

-----  
**GEOFFREY BURROUGHS**  
**ROBERT BRAMSON**  
**AUDREY MILLEMAN**  
**JACK D. FUDGE**  
**MARC D. FLINK**  
-----

**NATURE OF PROCEEDINGS: COURT TRIAL - 15TH DAY**

Trial resumed in the above-entitled matter. Counsel were present as noted above.

Jack D. Fudge, counsel for the defendant, continued with his closing argument and the following exhibits were marked for identification during argument:

Defendant's exhibit #12,000, North Highlands/Cable Americal Competition Chronology.

Defendant's exhibit #12,001, Arden Arcade/Pacific West Competition Chronology.

Defendant's exhibit #12,002, Comparison of Sacramento Cable and Pacific West Programming as of 8/88.

Defendant's exhibit #12,003, Comparison of Sacramento Cable and Pacific West Programming as of 11/88.

Defendant's exhibit #12,004, Comparison of Sacramento Cable and Pacific West Programming as of 11/89.

Defendant's exhibit #12,005, Comparison of Cable Americal and Sacramento Cable Television's rates in North Highlands 1/88 - 8/88.

Defendant's exhibit #12,006, Sacramento Cable Television's Rates in North Highlands, 9/88 - 4/88.

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Defendant's exhibit #12,007, Sacramento Cable Television's Rates in North Highlands 5/89 - 8/89.

Defendant's exhibit #12,008, Sacramento Cable Television's Rates in North Highlands 9/89 - 10/90.

Defendant's exhibit #12,009, Comparison of Pacific West and Sacramento Television's Rates in Arden Arcade 1/88 - 8/88.

Defendant's exhibit #12,010, Comparison of Pacific West and Sacramento Television's Rates in Arden Arcade 9/88 - 4/89.

Defendant's exhibit #12,011, Comparison of Pacific West and Sacramento Television's Rates in Arden Arcade 5/89 - 8/89.

Defendant's exhibit #12,012, Comparison of Pacific West and Sacramento Television's Rates in Arden Arcade 9/89 - 10/90.

Defendant's exhibit #12,013, Comparison of Pacific West and Sacramento Television's Rates in Arden Arcade 11/90 - 9/91.

Defendant's exhibit #12,014, Quality of Service and Programming.

Defendant's exhibit #12,015, Pacific West Offered Convenience and Features Not Available with SCT.

Defendant's exhibit #12,017A, Conjoint Survey.

Defendant's exhibit #12,017B, Conjoint Survey.

Defendant's exhibit #12,018, SCT Monitoring Competition.



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Defendant's exhibit #12,019, Pacific  
West Arden Acade Offers.

Defendant's exhibit #12,020, SCT Offers  
to Match Offers by Pacific West.

Defendant's exhibit #12,022, Territorial  
management/Arden Store.

Defendant's exhibit #12,023, Excerpts  
from Deposition of Dick Davis.

Defendant's exhibit #463, Confidential  
Interoffice Memorandum

At 12:00 p.m. the Court recessed until 1:30 p.m.

Jack D. Fudge and Marc Flink, counsel for the defendant,  
completed their closing argument.

At 1:50 p.m., Robert M. Bramson, counsel for the plaintiff,  
presented a closing argument and the following exhibits were  
marked for identification during argument.

Plaintiff's exhibit #4201, SCT/Pacific  
West Price Comparison.

Plaintiff's exhibit #4202, SCT/Cable  
Americal Price Comparison.

Plaintiff's exhibit #4203, Time Line.

The defendants oral motion to dismiss the third cause of action  
was argued and taken under submission.

The Court orally announced its tentative decision, finding that  
the defendant's pricing practices in North Highlands between  
January of 1988 and August of 1988 and in Arden Arcade, between  
June of 1988 and March of 1989, violated Business and Professions  
Code section 17040 and section 17200 and the local cable  
ordinance.

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The Court further found that the claim of violation of section 17040 of the Business and Professions Code with respect to Cable Americal is barred by the statute of limitations and with respect to Pacific West is not barred by the statute of limitations.

At 5:00 p.m., the Court recessed the trial to Monday, April 18, 1994 at 1:30 p.m.

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CASE NO: CV524077  
TITLE: COLEMAN VS. SAC. CABLE TELEVISION

SACRAMENTO SUPERIOR COURT

*K. Wells*

K. WELLS, DEPUTY CLERK

Certificate of Service

I, Ruth E. Omonijo, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "Motion for Acceptance of Amendment" to be sent this 11th day of May, 1994, via United States First Class Mail, postage prepaid, to the following:

The Honorable Richard L. Sippel\*  
Presiding Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Room 218  
Washington, DC 20554

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2025 M Street, NW  
Room 7212  
Washington, DC 20554

  
Ruth E. Omonijo

\* By Hand.